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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,592	07/27/2006	Aleandro Frezzolini	N2667	2950
23456 7590 11/22/2010 WADDEY & PATTERSON, P.C. 1600 DIVISION STREET, SUITE 500 NASHVILLE, TN 37203				
EXAMINER				
COSTIN, JEREMY M				
ART UNIT		PAPER NUMBER		
2465				
NOTIFICATION DATE		DELIVERY MODE		
11/22/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/551,592

Applicant(s)

FREZZOLINI, ALEANDRO

Examiner

JEREMY COSTIN

Art Unit

2465

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-3, 33-35, 64-66 and 85-95.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.

JEREMY COSTIN/
Examiner, Art Unit 2465

/Alpus H Hsu/
Primary Examiner, Art Unit 2465

Continuation of 13. Other:

All page numbers recited within the following reference the Applicant's Arguments/Remarks dated 10/27/2010 unless otherwise specified. Firstly, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. This will be explained further in the following.

On page 12, 13, and numerous other pages, the applicant state the present invention to be concerned with a power-line communication (PLC) system. However, this is not within the scope of the claim as currently amended. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a PLC system) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

On page 17, the applicant argues that the primary reference does not teach "transmitting an echo of the received message." Within the instant application specification, para [0013], the following is recited: "The transmission of echoes to re-generate a message in a data transmission system is known. For example U.S. Pat. No. 4,692,761 discloses a network ..." Although the claims are read in light of the specification, the claims are to be given the broadest reasonable interpretation. The term "echo" should be further explained within the claim to further define/expostulate what is meant to be claimed. The claim as currently cited does not specify that an echo message does not change any address field, as is argued on page 18-19. Thus, respectfully, the claim language should be changed to recite the intended limitations argued as to exactly what is meant by the term "echo" message, because an echo message is a common term used in the art and has many known definitions which are not necessarily congruent what is meant to be claimed as presented by the arguments in this instant application.

On page 27, the applicant argues that Raphaëli fails to teach "the generation of echoes and any criteria to prevent unlimited echo generation." Raphaëli discusses a system to prevent unlimited generation of message retries within a PLC network, the PLC network being mentioned in para [0029, 0046]. Based on the claim as currently recited, the examiner respectfully disagrees. Raphaëli teaches, in para [0256], that a message is retransmitted a predetermined number of time (i.e. pre-established criteria). In para [0257], he then teaches that if no response is received after a predetermined number of retries, the message will not be retried anymore, thereby alleviating the system from generating unlimited retries.

On page 28, the applicant presents a final argument. In response to applicant's argument that "A combination of Raphaëli and Robinton would result in the following: If, referring for example to Fig. A, the node N10 is incapable of transmitting its message to the downlink node N9, for example, because the connected line is broken, after a certain number of attempts node N10 will stop trying to contact node N9 and will select a different resource on the network, for example node N14, and will try to downlink the message through node N14. This has nothing to do with the claimed echo propagation concept that has been explained above with reference to Fig. B.", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Thus the inclusion of the PLC network element presented within the applicant's arguments and the clarification of the term echo, within the instant application claim set is earnestly and respectfully suggested to bring to light the applicant's arguments presented 10/27/2010, for further search and reconsideration by the examiner..